

October 30, 2008

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Preston Black
Director
Office of Legal Affairs
Indiana State Department of Health

Dear Mr. Black:

Pursuant to IC 4-22-2-28, the Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small business associated with rule changes proposed by the Indiana State Department of Health ("ISDH"), and contained in LSA Document 08-318. The proposed rule updates and adds definitions in 410 IAC 29-1, amends 410 IAC 29-2 and 410 IAC 29-3 concerning case management and lab reporting, adds provisions in 410 IAC 29-4 concerning risk assessments and remediation, and adds 410 IAC 29-5 concerning consumer products. Senate Enrolled Act requires the ISDH to adopt rules for the regulation of the sale of paint or paint products at retail establishments. There are potentially thousands of retail entities classified as small businesses that may be subject to the rule. However, the ISDH does not currently have the information to determine how many of these entities sell consumer products that may contain lead or lead based paint and would therefore be subject to the rule.

Costs attributable to the provisions of this rule include costs associated with implementing employee training programs and posting proper signage at establishments that sell consumer products that may contain lead or lead based paint. The impact statement provided by the ISDH indicates that the estimated costs associated with providing employee training programs on the dangers of lead based paints and documenting employee compliance would be minimal. Other costs attributable to the rule include costs associated with posting proper signage indicating that the establishment sells consumer products that may contain lead or lead based paint. The cost associated with printing the requisite number of signs in English and Spanish (as required by the rule) is expected to be a one-time cost that will likely not exceed \$100. If the business chooses to label each applicable item, the cost will vary based on the number of items to be labeled.

The IEDC does not object to economic impact to small businesses contained in the proposed rule changes. The costs associated with the rule appear reasonable given the additional level of consumer awareness and protection provided for by the rule. Additionally, the rule does not impose any requirements beyond those already called for by SEA 143 – 2008. If you have any questions about the comments contained herein please contact me at 232-8962 or rasberry@iedc.in.gov.

Regards,



Ryan Asberry
Assistant Vice President
Indiana Economic Development Corporation